

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

PDC07-012. Planned Development Rezoning from the R-1-2 Residential Zoning District to the A(PD) Planned Development Zoning District to allow eight single-family attached residential units on a 0.52 gross acre site located on the east side of Entrada Cedros, approximately 200 feet south of Giuffrida Avenue (5550 Entrada Cedros). (James and Mary Henning, Owner / WKJ Development, Developer) Council District: 10

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **August 26, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **August 5, 2008** and ends on **August 26, 2008**.

A public hearing on the project described above is tentatively scheduled for **September 10, 2008 at 6:30 p.m.** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Almaden Branch Library**, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Licinia McMorro** at licinia.mcmorrow@sanjoseca.gov or (408) 535-7814.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

ENDORSED

AUG 05 2008

AUG 05 2008

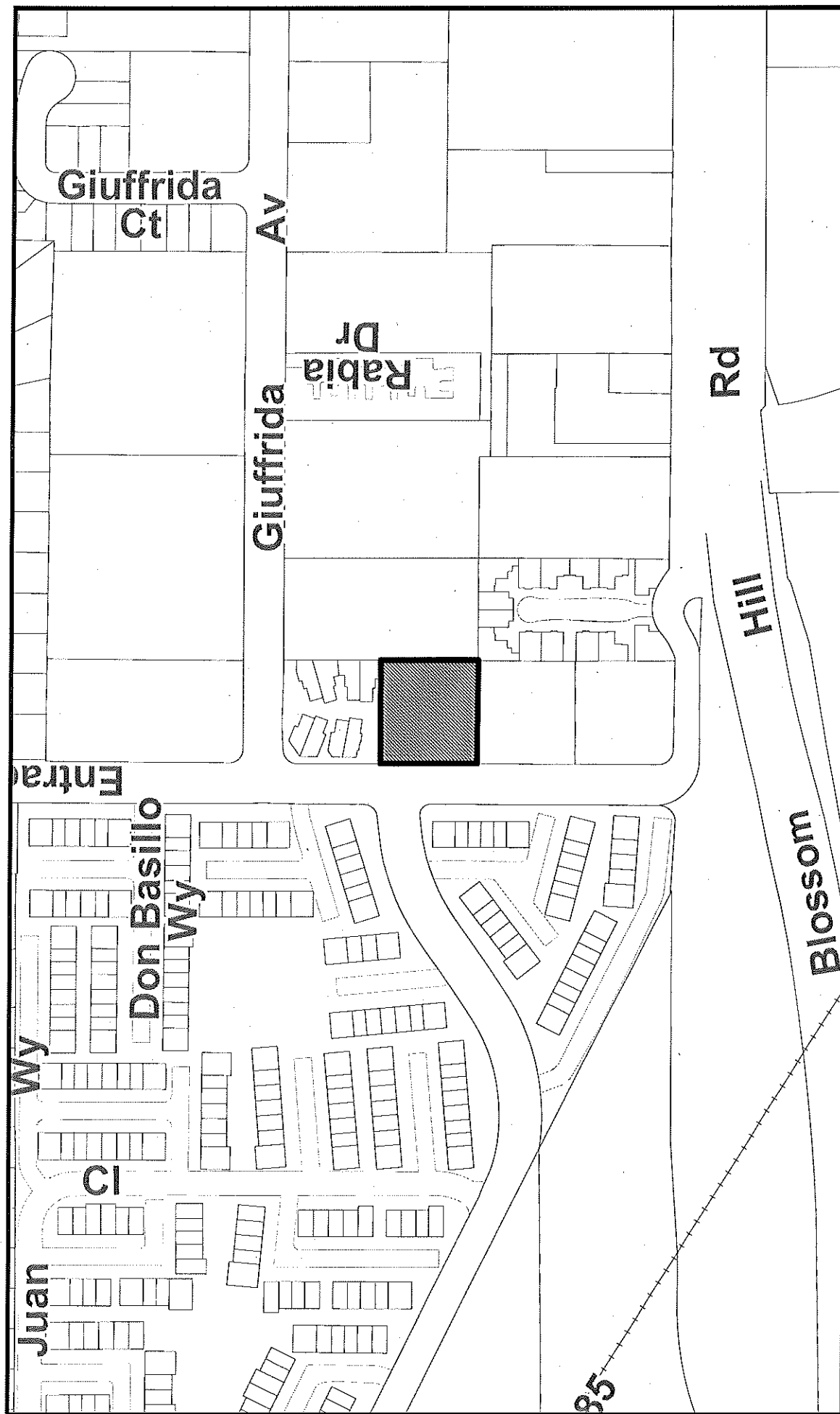
REGINA ALCOMENDRAS, County Clerk
Santa Clara County
By **B. HORIUCHI**

Circulated on: 8/4/08

Deputy

POSTED ON AUG 05 2008 THROUGH AUG 25 2008
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
REGINA ALCOMENDRAS, COUNTY CLERK

BY B. HORIUCHI DEPUTY



File No: PDC07-012

District: 10

Quad No: 129

Scale: 1"= 250'
Noticing Radius: 500 feet

02/02/2007

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: PDC07-012 - Entrada Cedros Town Houses

PROJECT FILE NUMBER: PDC07-012

PROJECT DESCRIPTION: Planned Development Rezoning and subsequent permits from the R-1-2 Residential Zoning District to the A(PD) Planned Development Zoning District to allow eight single-family attached residential units on a 0.52 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: east side of Entrada Cedros approximately 200 feet south of Giuffrida Avenue (5550 Entrada Cedros); 464-14-017

COUNCIL DISTRICT: 10

APPLICANT CONTACT INFORMATION: Kevin Stinson, WKJ Development, Inc.
PO Box 6179, San Jose, CA 95150

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- III. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VI. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. **HAZARDS AND HAZARDOUS MATERIALS** – Prior to the issuance of Public Works clearance, a remediation program for the on site soil removal shall be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement, the Environmental Services Department (ESD) and the Regional Water Quality Control Board. The applicant shall implement the approved plan to the satisfaction of the Director of Planning. Actions shall include, but will not be limited to verification of suitability for development by documentation of the quality of soil used to replace excavated soils.
- VIII. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. **NOISE** – The following measures will reduce a potentially significant impact to a less than significant level.
 - a. The developer will implement a Construction Management Plan approved by the Director of Planning, Building and Code Enforcement to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
 - i. Early and frequent notification and communication with the neighborhood of the construction activities.
 - b. Prohibit unnecessary idling of internal combustion engines.
 - c. Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

- d. Interior noise: The measures outline in the following are recommended to control interior sound levels. Factors considered in window performance are the type of noise source and its spectrum, exterior wall surface, and floor and window area. The measures outlined are designed to mitigate sound levels to a value below the City of San Jose limit of 45 Ldn.
- i. Glass sections of the building elevations of the four units nearest to Entrada Cedros should provide a sound insulation equal to that required to meet an STC (Sound Transmission Class) rating of 27. This applies to all windows with a direct or side orientation to Entrada Cedros.
 - ii. All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
 - iii. Install windows and glass doors so that the sliding window and glass door panels form an air-tight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.
 - iv. As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the units by 25 DNL.
 - v. R19 or thicker insulation should be installed in the attic space (laid over the ceiling). The roofing should incorporate solid sheathing.
- e. Exterior noise: In order to reduce noise levels at outdoor private areas, it is recommended that the four patios nearest to Entrada Cedros be enclosed with six foot high solid patio fencing with no openings or gaps. The fence height is in reference to the buildings pads.

- XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **August 26, 2008**, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: _____

Deputy

8/4/08



Adopted on: _____

Deputy

MND/JAC 8/26/05